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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LELE, TANMAY S

ART UNIT	PAPER NUMBER
2684	14

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,464	O'SULLIVAN, HARRY M.	
	Examiner	Art Unit	
	Tanmay S Lele	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *33* is/are allowed.

6)☒ Claim(s) *31,32 and 34-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Allowable Subject Matter

1. Claim 33 is allowed.

Regarding claim 33, the present invention is of a combined portable computing and cellular voice and data communication device, comprising a. a cellular telephone transceiver for accessing a cellular telephone network for either voice or data communication, the cellular transceiver operating in accordance with a standardized cellular network operating protocol to send and receive voice and data signals over a cellular telephone network, the cellular telephone transceiver including circuitry specifically adapted to cause the cellular telephone transceiver to respond to cellular transceiver control signals formatted in accordance with the standardized cellular network operating protocol specific to the cellular telephone network; b. a portable computer operating to generate transceiver control signals to control communication over the cellular telephone network, the control signals being formatted in accordance with a standardized computer data communication protocol that differs from the standardized cellular network operating protocol implemented by the cellular telephone transceiver, the portable computer including computer memory sufficient to allow for portable computer uses other than generating cellular telephone transceiver control signals; and c. circuitry for connecting the cellular telephone transceiver and the portable computer to allow transceiver control signals, generated by the portable computer and formatted in accordance with the standardized computer data communication protocol, to be implemented by the cellular telephone transceiver using the standardized cellular network operating protocol, whereby the portable computer, in one mode, may be used to

originate control signals to control the operation of the transceiver to control the transceiver to allow user data processed by the portable computer to be sent over the cellular network and to allow user data to be received by the portable computer for subsequent processing by the portable computer and, in another mode, may be used for data processing functions other than control of the cellular telephone transceiver. The closest prior art, Labedz et al. (Labedz, US Patent No. 4,654,867) in view Karlstrom (Karlstrom, US Patent No. 4,414, 661), teach of a combined portable computing and cellular voice and data communication device, comprising a cellular telephone transceiver for accessing a cellular telephone network for either voice or data communication, a portable computer, and circuitry for connecting the cellular telephone transceiver, but alone or combination with other prior art fail to teach of the specific configuration as detailed and further specifically of the cellular transceiver operating in accordance with a standardized cellular network operating protocol to send and receive voice and data signals over a cellular telephone network, the cellular telephone transceiver including circuitry specifically adapted to cause the cellular telephone transceiver to respond to cellular transceiver control signals formatted in accordance with the standardized cellular network operating protocol specific to the cellular telephone network; b. a portable computer operating to generate transceiver control signals to control communication over the cellular telephone network, the control signals being formatted in accordance with a standardized computer data communication protocol that differs from the standardized cellular network operating protocol implemented by the cellular telephone transceiver, the portable computer including computer memory sufficient to allow for portable computer uses other than generating cellular telephone

transceiver control signals; and c. circuitry for connecting the cellular telephone transceiver and the portable computer to allow transceiver control signals, generated by the portable computer and formatted in accordance with the standardized computer data communication protocol, to be implemented by the cellular telephone transceiver using the standardized cellular network operating protocol, whereby the portable computer, in one mode, may be used to originate control signals to control the operation of the transceiver to control the transceiver to allow user data processed by the portable computer to be sent over the cellular network and to allow user data to be received by the portable computer for subsequent processing by the portable computer and, in another mode, may be used for data processing functions other than control of the cellular telephone transceiver.

2. Claims 31 and 32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Regarding claim 31, the present invention is of a vehicular wireless voice and data communication system, comprising a. a cellular telephone transceiver mounted within a vehicle for accessing a cellular telephone network operating in accordance with a standardized cellular network operating protocol to send and receive voice and data signals over a cellular telephone network the cellular telephone transceiver including circuitry specifically adapted to cause the cellular telephone transceiver to respond to cellular transceiver control signals formatted in accordance with a standardized cellular network operating protocol specific to the cellular telephone network; b. a computing device, including a memory sufficient to allow the computing device to be used in the manner of a portable computer, operable to generate transceiver control signals to control

communication over the cellular wireless network from within the vehicle, the control signals being formatted in accordance with a standardized computer data communication protocol that differs from the standardized cellular network operating protocol implemented by the cellular telephone transceiver, and c. circuitry for connecting the cellular telephone transceiver and the computing device to allow transceiver control signals, generated by the computing device and formatted in accordance with the standardized computer data communication protocol, to be implemented by the cellular telephone transceiver using the standardized cellular network operating protocol. The closest prior art, Labedz et al. (Labedz, US Patent No. 4,654,867) in view Karlstrom (Karlstrom, US Patent No. 4,414, 661), teach of a vehicular wireless voice and data communication system comprising a cellular telephone transceiver mounted within a vehicle for accessing a cellular telephone network, a computing device, and circuitry for connecting, but alone or combination with other prior art fail to teach of the specific configuration as detailed and further specifically of [vehicular wireless voice and data communication system] comprising a. a cellular telephone transceiver mounted within a vehicle for accessing a cellular telephone network operating in accordance with a standardized cellular network operating protocol to send and receive voice and data signals over a cellular telephone network the cellular telephone transceiver including circuitry specifically adapted to cause the cellular telephone transceiver to respond to cellular transceiver control signals formatted in accordance with a standardized cellular network operating protocol specific to the cellular telephone network; b. a computing device, including a memory sufficient to allow the computing device to be used in the manner of a portable computer, operable to generate transceiver control signals to control

communication over the cellular wireless network from within the vehicle, the control signals being formatted in accordance with a standardized computer data communication protocol that differs from the standardized cellular network operating protocol implemented by the cellular telephone transceiver, and c. circuitry for connecting the cellular telephone transceiver and the computing device to allow transceiver control signals, generated by the computing device and formatted in accordance with the standardized computer data communication protocol, to be implemented by the cellular telephone transceiver using the standardized cellular network operating protocol.

Regarding claim 32, the present invention is of a cellular telephone data transmission apparatus, comprising a. a cellular telephone transceiver for accessing a cellular wireless network for sending and receiving voice and data signals over a cellular telephone network, the cellular telephone transceiver operating in different modes including a call placement mode and a data transceiving mode; b. a computing device including a memory sufficient to allow the computer device to operate as a portable computer, the computing device operating to send and receive data over the cellular telephone network when the cellular transceiver is operating in the data transceiving mode, and c. a circuit connected with the cellular telephone transceiver and the computing device for determining when the cellular telephone transceiver is operating in the data transceiving mode and causing the computing device to send and receive data over the cellular telephone network only when the transceiver is operating in the data transceiving mode. The closest prior art, Labedz et al. (Labedz, US Patent No. 4,654,867) in view Karlstrom (Karlstrom, US Patent No. 4,414, 661), teach of a cellular telephone data transmission apparatus comprising a cellular telephone for sending and receiving

voice and data signals a computing device, and a circuit connected but alone or combination with other prior art fail to teach of the specific configuration as detailed and further specifically of [a cellular telephone data transmission apparatus], comprising a. a cellular telephone transceiver for accessing a cellular wireless network for sending and receiving voice and data signals over a cellular telephone network, the cellular telephone transceiver operating in different modes including a call placement mode and a data transceiving mode; b. a computing device including a memory sufficient to allow the computer device to operate as a portable computer, the computing device operating to send and receive data over the cellular telephone network when the cellular transceiver is operating in the data transceiving mode, and c. a circuit connected with the cellular telephone transceiver and the computing device for determining when the cellular telephone transceiver is operating in the data transceiving mode and causing the computing device to send and receive data over the cellular telephone network only when the transceiver is operating in the data transceiving mode.

Reissue Applications

3. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. Note that the filed oath appears to address a previous reissue application issues and it is not understood if these issues are still present in this reissue (note this observation is based the fact both on the dates of stamps and signatures, as well as the content addressed pertains only to claims 35 – 37 while not noting matter or material related to independent claims). Appropriate clarification is requested.

4. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

5. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

6. This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73(b) must be submitted in reply to this Office action.

7. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 31, 32, and 48 – 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 31 and 32, it was not understood which computing device was referred to as being "operable to generate transceiver control signals to control communication over the cellular wireless network from within the vehicle computing." Applicant discusses two possible computing devices, microprocessor 34 and portable computer 36 (starting column 5, line 52 and ending column 6, lines 6) and states "...microprocessor 34 [which] control[s] functions for the cellular interface," while the external portable computer 36 provides a serial data stream. For purposes of examination, it was assumed that the external portable computer 36 was providing control instructions used by microprocessor 34 which in turn generated transceiver

control signals (as per Figures 3 and 4 and further starting column 11, line 30 and ending column 12, line 22). Further clarification is required.

Regarding claim 48, it was not understood which "data processor" was being referred to and which "application" program was being referred to. For purposes of examination, it was assumed the data processor was microprocessor 34 and that the "application" program was that referred to the Appendix (column 12, lines 18 – 22; note that in the specification the term "application" has not been adequately defined as this code in the Appendix) and that the "at least one [application] program" was referring to "the control and data error programs" (column 5, lines 59 – 63). Appropriate correction is required.

Claims 49 – 51 are rejected for reasons of at least those recited for independent claim 48.

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 34 – 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 34, the limitations, "a data transmit line for transmitting data signals received from the computer to the vehicular mobile radio telephone network access device; a data receive line for transmitting data signals from the vehicular mobile

radio telephone network access device to the computer;" are not specifically described in the Applicant's specification. Applicant describes control signals (for example to dial as in column 11, lines 49 – 64), but makes no reference to transmit and receive lines as claimed.

Claims 35 – 39 are rejected for reasons of at least those recited for independent claim 34.

Regarding claims 40 and 44, the limitations, "and parallel signal lines between the controller and the radio transceiver including at least a transmit signal line, a receive signal line, and a control line," are not specifically described in the Applicant's specification. Applicant describes control signals (for example to dial as in column 11, lines 49 – 64), but makes no reference to the specific line identities as claimed.

In further regards to claims 40 and 44, the limitations, " a computer originating and receiving text messages," and "whereby text messages are communicated between the computer in the vehicle and a fixed station over the cellular network," are not specifically described in the Applicant's specification. No reference to such a purpose of "text message" transmission or reception is detailed in the specification. Applicant refers to data transmission (for example as in column 4, lines 17 – 24), but makes no specific reference to "text messages" as claimed.

Claims 41 – 43 and 45 – 47 are rejected for reasons of at least those recited for independent claims 40 and 44.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claim 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Labedz et al. (Labedz, US Patent No. 4,654,867).

Regarding claim 48, Labedz teaches of a cellular telephone data communication system for communicating data over a cellular telephone system between a fixed station and a mobile station (column 2, lines 47 – 49 and column 2, lines 57 – 68; Figure 2) comprising: at least one mobile radio transceiver coupled to a data processor (Figure 8 and column 9, lines 7 – 20), said mobile radio transceiver capable of bi-directionally communicating voice and data between said mobile station and said fixed station (column 9, lines 50 – 54), said data processor capable of executing at least one application program (column 9, lines 7 – 14 and column 5, lines 51 – 53); said application program causing said mobile radio transceiver to establish communication with said fixed station upon the occurrence of a predetermined event (Figure 3 and column 5, lines 36 – 64; note that if busy–idle bit is high, a remote unit, or CSE, has permission to initiate communication with the fixed station; the bit level being pre-determined based on communication channel being available or not), said application program then sending data to said fixed station (column 5, lines 54 –64).

Regarding claim 49, Labedz teaches all the claimed limitations as recited in claim 48. Labedz further teaches of comprising an interface disposed between said radio transceiver and said data processor (Figure 8), said interface allowing said data processor

to control said radio transceiver (column 9, lines 21 – 29; note the interface 807 adds and removes the busy-idle bit, which determines whether the CSE transmits or not and hence, as detailed in and column 5, lines 54 – 64, and hence is controlling the transceiver 809).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labedz et al. (Labedz, US Patent No. 4,654,867) as applied to claim 49 above, and further in view of Goldman (Goldman, US Patent No. 4,587,652).

Regarding claim 50, Labedz teaches all the claimed limitations as recited in claim 49. Labedz further teaches of inserts error correction bits into said data (column 5, lines 16 – 25).

Labedz does not specifically teach of wherein said interface [inserts error correction bits into said data].

In a related art dealing with data control in a cellular system, Goldman teaches wherein said interface inserts error correction bits into said data (starting column 3, line 66 and ending column 4, line 7).

It would have been obvious to one skilled in the art at the time of invention to have included into Labedz's interface, Goldman's error correction provisions, for the purposes of increasing reliability of transmission by protecting data and doing so in a less time consuming manner, as taught by Goldman.

16. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labedz et al. (Labedz, US Patent No. 4,654,867) as applied to claim 48 above, and further in view of Goldman (Goldman, US Patent No. 4,587,652).

Regarding claim 51, Labedz teaches all the claimed limitations as recited in claim 48. Labdez does not specifically teach of wherein said data is packetized.

In a related art dealing with data control, Goldman teaches of wherein said data is packetized (column 6, lines 30 – 32).

It would have been obvious to one skilled in the art at the time of invention to have included into Labedz's interface, Goldman's packets, for the purposes of increasing reliability of transmission by protecting data and doing so in a less time consuming manner along with retransmitting only packets with errors, as taught by Goldman.

Citation of Pertinent Prior Art

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Levine et al.	US Patent	4,876,740	Radiotelephone System Employing Digitized Speech and Data Signaling
Shafer	US Patent	4,737,975	Programmable System for Interfacing a Standard Telephone Set with a Radio Transceiver
Serrano et al.	US Patent	4,718,080	Microprocessor Controlled Interface For Cellular System
Levine	US Patent	4,649,543	Synchronization Sequence Decoder For a Digital Radiotelephone System
Freeburg	US Patent	4,481,670	Method and Apparatus for Dynamically Selecting Transmitters for Communications Between Station and Remote Stations of a Data Communications System
Karlstrom	US Patent	4,414,661	Apparatus for Communicating with Fleet of Vehicles
Mallien II	US Patent	4,122,304	Control Circuitry for a Radio Telephone

Mills et al.	US Patent	3,806,804	Radio Telephone System Having Automatic Channel Selection

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Tanmay S Lele
Examiner
Art Unit 2684

NAY MAUNG
PRIMARY EXAMINER

tsl
July 17, 2003